

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** September 16, 2016

**SUBJECT:** BZA Case 19254 (1612-1616 7<sup>th</sup> Street, N.W.) for special exceptions to allow additions to an office building to create a mixed-use retail/residential building

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- G § 404.1, Lot Occupancy (60 percent residential maximum permitted, 94 percent (second floor) proposed and 61 percent (third floor) proposed);
- G § 405.2, Rear Yard (15-foot minimum required, none proposed);
- G § 202.1, Courts (minimum 10-foot width required, 4-foot width proposed);
- C § 901.1, Retail Loading (one 30-foot berth required, none proposed); and
- C § 701.5, Retail Parking (6 spaces required, 2 proposed).

Subject to the following conditions

1. The applicant designates six short term bicycle parking spaces within public space, four long-term bicycle parking spaces for use by retail employees and a shower and changing facility with lockers for use by all retail tenants, as required by DDOT and ZR16.
2. The applicant review its loading plan with DDOT.

### **II. LOCATION AND SITE DESCRIPTION**

Address	1612-1616 7 <sup>th</sup> Street, N.W.
Applicant	1612 Seventh Street NW LP
Legal Description	Square 420, Lot 38
Ward/ANC	Ward 6/ANC 6E
Zone	MU-4
Historic District	Shaw
Lot Characteristics	Rectangular lot with access to a ten-foot rear alley
Existing Development	Two-story commercial row houses converted into office space

Adjacent Properties	North and South: Commercial buildings East: Across Georgia Avenue, multi-family buildings West: Across the public alley, residential row houses
Surrounding Neighborhood Character	Mixture of residential, commercial, office and institutional uses
Proposed Development	Conversion and expansion of existing office building into a mixed-use commercial and residential building. The building would contain 10,221 square feet of retail space in the cellar and on the 1 <sup>st</sup> and 2 <sup>nd</sup> floors. Eight residential units would be located on the 2 <sup>nd</sup> and 3 <sup>rd</sup> floors and penthouse. The 2 <sup>nd</sup> floor would be improved with retail space facing 7 <sup>th</sup> Street, with four apartment units toward the rear. Four additional apartments would be located on the 3 <sup>rd</sup> floor. A newly constructed 3 <sup>rd</sup> floor would be set back 31 feet and the penthouse 54 feet from the front façade, as required by HPRB.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: MU-4	Regulation	Existing	Proposed	Relief
Lot Area	None	5,719 sq. ft.	5,719 sq. ft.	None
Lot Width	None	60 feet	60 feet	None
Height G § 403.1	50-foot max.	23 ft., 8 in.	43.34 feet	None
Floor Area Ratio G § 402.1	2.5	N/A	2.47	None
Residential Lot Occupancy G § 404.1	60% max.	None	2 <sup>nd</sup> Floor: 94% 3 <sup>rd</sup> Floor: 61%	<b>REQUIRED</b>
Courts G § 202.1	10-foot min.	N/A	4 feet	<b>REQUIRED</b>
Rear Yard G § 405.2	15 foot min.	None	None	<b>REQUIRED<sup>1</sup></b>
Retail Parking C § 701.5	5 spaces	None	1 space <sup>2</sup>	<b>REQUIRED</b>
Retail Loading G 901.1	1-30 foot berth	None	None	<b>REQUIRED</b>

### IV. OFFICE OF PLANNING ANALYSIS

#### a. Special Exception Relief from § 772, Lot Occupancy for Residential Use

##### i. Will be in Harmony with the General Purpose and Intent of the Zoning Regulations and the Zoning Maps

The applicant proposes to utilize the basement and first floor of the renovated and expanded building as commercial space. A portion of the second floor, including approximately two-thirds of the historic portion of the building, is also proposed for commercial use. The remainder of the second floor and the entire third floor are proposed for residential use, for a

<sup>1</sup> Relief required to demolish the rear portion of the existing building that extends to the rear property line and replace it with new construction.

<sup>2</sup> The second parking space is provided to satisfy the one residential parking space required.

total of eight apartment units. Lot occupancy in the MU-4 zone is limited to sixty percent on those floors where residential use is provided, and a lot occupancy of 94 percent is proposed for the second floor and 61 percent for the third.

The application proposes to provide commercial space on the second floor of the building to better activate the street, with residential uses set back from the street. In addition, reducing the size of the second floor by shifting the rear wall into the building would impact the core features of the building, such as staircases and elevators, and require the construction of a load bearing wall to support the upper floors on the first floor, adversely affecting the layout of the retail space. The front wall of the building cannot be shifted as it is historic and would adversely affect the streetscape.

**ii. Will not Adversely Affect the Use of Neighboring Properties**

Increasing the lot occupancy to the amounts requested should not adversely affect neighboring properties. The building backs up to a 10-foot wide alley, separating the subject property from residential uses to the west, which are all laid out as deep lots with large rear yards. No retail space on the upper floors would face the residential properties to the rear, minimizing the impact on those properties.

**iii. Special Conditions Specified in the Zoning Regulations**

The Zoning Regulations do not specify special conditions for lot occupancy relief.

**b. Special Exception from G § 405.2, Rear Yard**

**i. Will be in Harmony with the General Purpose and Intent of the Zoning Regulations and the Zoning Maps**

A fifteen-foot rear yard is required and none is proposed, similar to the existing situation. Shifting the rear wall into the lot would result in the relocation of the rear load bearing wall, the ability to locate core features serving all floors and the provision of two off-street parking spaces directly accessible from the public alley. In combination with the HPRB requirement to shift the third floor and the penthouse further back from the street, the upper floors of the building would be constrained from both the front and the back.

**ii. Will not Adversely Affect the Use of Neighboring Properties**

The subject property is separated from the residential lots to the rear by a ten-foot wide alley, and the applicant is proposing to set back the first floor of the building by five feet to improve access to parking. The upper floors, which would be residential only facing the alley, and the sloped roof of the penthouse, would reduce the buildings visibility. The generous lay out of the rear yards across the alley from the subject property should minimize the impact of this proposal.

**iii. Special Conditions Specified in the Zoning Regulations**

The Zoning Regulations does not specify special conditions for rear yard relief.

**c. Special Exception from G § 202.1, Courts**

**i. Will be in Harmony with the General Purpose and Intent of the Zoning Regulations and the Zoning Maps**

Two courts are proposed, one along each side of the building, for the second and third floors. These courts would each be four feet in width each and allow for windows within the residential units, necessary for residential occupancy.

**ii. Will not Adversely Affect the Use of Neighboring Properties**

Both of these courts would face commercial properties only, minimizing the impact these courts would have on the adjoining properties to the north and south.

**iii. Special Conditions Specified in the Zoning Regulations**

The Zoning Regulations does not specify special conditions for court relief.

**d. Special Exception Relief from C § 701.5, Retail Parking**

**i. Will be in Harmony with the General Purpose and Intent of the Zoning Regulations and the Zoning Maps**

The applicant is required to provide six parking spaces, one for the residential use and five for the retail use of the building. Due to the width of the lot, 60 feet, the applicant cannot provide both six parking spaces, trash rooms and rear access to the building. The site provides no off-street parking currently, and the construction of a garage parking beneath a historic structure is not possible. The addition of two off-street parking spaces is the maximum the site can accommodate, while also providing for the additional back of house activities required for a mixed-use building.

**ii. Will not Adversely Affect the Use of Neighboring Properties**

Two compact parking spaces would be provided and the subject property is located within a walkable neighborhood (Walker's Paradise Score of 94<sup>3</sup>). The site is less than one-quarter mile from the Shaw-Howard University Metrorail station, indicating transportation alternatives to the private automobile and minimizing the need to have a private car and provide off-street parking to accommodate those car cars.

**iii. Special Conditions Specified in the Zoning Regulations**

Subtitle C § 703.2(b) empowers the Board to grant full or partial reduction in the number of required parking spaces if the use or structure is particularly well served by mass transit, shared vehicle or bicycle facilities. As noted above, the subject property is located in a walkable neighborhood less than one-quarter of a mile from the Shaw-Howard University Metrorail station, and is served by nine Metrobus routes. It is less than one block from a Capital Bikeshare station and in area also served by ZipCar and car2go. Therefore, the site is located within an area well served by shared transportation alternatives.

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<sup>3</sup> walkscore.com

**e. Special Exception Relief from C § 901.1, Retail Loading**

**i. Will be in Harmony with the General Purpose and Intent of the Zoning Regulations and the Zoning Maps**

Due to the size of the lot, 60 feet in width, the applicant is unable to provide a 30-foot loading berth, off-street parking and other back of house uses, such as trash rooms.

**ii. Will not Adversely Affect the Use of Neighboring Properties**

The applicant proposes to load from the street, pursuant to DDOT regulations. As no large trucks would then utilize this alley for loading, the impact on the neighboring residential uses would be minimized. The applicant should review this loading plan with DDOT.

**iii. Special Conditions Specified in the Zoning Regulations**

The Zoning Regulations does not specify special conditions for retail loading relief.

The Historic Preservation Office, in a letter dated August 17, 2016, stated it had no concerns with the proposal and that the applicant satisfied the concerns of the Historic Preservation Review Board.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT, in a memorandum report dated September 8, 2016, had no objections to the application provided the applicant designates six short term bicycle parking spaces within public space, four long-term bicycle parking spaces for use by retail employees and a shower and changing facility with lockers for use by all retail tenants, as required by ZR16.

**VI. COMMUNITY COMMENTS**

ANC 6E, at its regularly scheduled meeting of May 3, 2016, voted to support the application.

The Central Shaw Neighborhood Association voted to support the application at its meeting on April 18, 2016.

The neighboring property owner to the south and north at 1610 and 1618 7<sup>th</sup> Street, N.W. submitted a letter to the file in support of the application.

